

Applicants note the Examiner's entry of the Amendment under 37 C.F.R. §1.111 of June 19, 2006 and the Response under 37 C.F.R. §1.116 of November 19, 2006; however, that in view of newly cited Berman, et al., U.S. Publication No. 2004/0135522 A1 and Lys, et al., U.S. Patent No. 6,717,376 B2, the final Office Action of September 8, 2006 has been withdrawn.

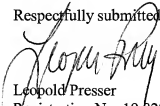
Accordingly, the Examiner has issued a new Final Rejection, which rejects Claims 1, 3 and 7-27 as being unpatentable over previously cited Fleischmann, U.S. Patent No. 6,203,180 B1, in view of newly cited Berman, et al., U.S. Publication No. 2004/0135522 A1 (which has now matured into U.S. Patent No. 7,148,632 B2).

Upon analysis of the prior art, applicants note that the Fleischmann patent, per se, fails to disclose all of the salient features of the claims pending herein, and that the Examiner relies on the disclosure of newly cited Berman, et al. in combination with Fleischmann to reject the claims, in particular, since the various distinguishing features, as claimed, are not shown in Fleischmann, and in the absence of further art combined therewith, the claims are deemed to be clearly patentable.

Concerning the foregoing, applicants note that the Berman, et al. U.S. patent was filed on January 15, 2003 in the U.S. Patent and Trademark Office; whereas the present application claims priority of a German application filed January 20, 2003. Accordingly, in order to eliminate Berman, et al. as a prior art publication and an effective reference under 35 U.S.C. §102(e), applicants herewith submit a duly executed Declaration pursuant to 37 C.F.R. §1.131 indicating that the invention was conceived and reduced to practice prior to the filing date of January 15, 2003 for the Berman, et al. U.S. Patent No. 7,148,632 B2.

The attached duly executed Declaration pursuant to 37 C.F.R. §1.131, including Exhibit A appended thereto, clearly evidences that Berman, et al. is accordingly not an effective publication, and consequently, inasmuch as Fleischmann does not per se disclose the essential inventive features as set forth in the claims and as disclosed herein, the claims, as presently on file, are deemed to be clearly patentable over the art, and the favorable reconsideration and issuance of the Notice of Allowance by the Examiner is earnestly solicited. However, in the event that the Examiner has any queries concerning the instantly submitted Amendment, applicants' attorney respectfully requests that he be accorded the courtesy of possibly a telephone conference to discuss any matters in need of attention.

Respectfully submitted,



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Attachment: Declaration pursuant to 37 C.F.R. §1.131